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January 16, 2007

Magistrate Judge Mary Pat Thyng
United States District Court
844 King Street
Wilmington, DE 19801

RE: Paul v. Deloitte & Touche, et.al.
C.A. No.: 06-225***

Dear Judge Thyng:

The status conference in this matter, is scheduled for Friday, January 19, 2007 at 9:30 a.m. I will be initiating the call. The issue that will arise in this matter is the issue of the ability of the parties to conduct discovery. This case complains of age discrimination of the plaintiff by the defendants. In addition to the Federal Age Discrimination claim, the plaintiff has also asserted claims based upon this Court's supplemental jurisdiction for a violation of State law. There is presently pending a motion by the defendant to dismiss the State claims brought under this Court's supplemental jurisdiction. No attempt has been made by the defendant to dismiss the Federal claims.

This matter was briefed during the Spring, and the defendant filed a reply brief in June 2006. Basically, the plaintiff began written discovery, in the form of a Request for Production, but the defendant has indicated an unwillingness to participate in any discovery proceedings in this matter while the motion to dismiss the State claim is pending, even though the Federal claims remained unchallenged. Unfortunately, prior to Judge Jordan's elevation to the Third Circuit Court of Appeals, a Scheduling Order was not entered, and the parties had been awaiting the decision on that motion to dismiss. This is a subject, that I would wish to take up with the Court during the Status Conference.

In addition, the plaintiff has asserted claims under the Commonwealth of Massachusetts Discrimination Statute. (this matter was filed in Delaware, even though all acts of discrimination occurred in Massachusetts, because of the contractual provisions between the parties requiring any disputes involving an employment relationship to be brought in the State of Delaware). There is also a motion to dismiss that claim.

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Thank you for Your Honor's consideration.

Respectfully,

/s/ Gary W. Aber

Gary W. Aber

GWA/mac

cc: Sheldon N. Sandler, Esquire